

STATE BOARD OF ELECTIONS BOARD MEETING
Monday, June 11, 2007

MINUTES

PRESENT:

Jesse R. Smart, Chairman
Wanda L. Rednour, Vice Chair
Patrick A. Brady, Member
John R. Keith, Member
William M. McGuffage, Member
Albert S. Porter, Member
Bryan A. Schneider, Member
Robert J. Walters, Member

ALSO PRESENT:

Daniel W. White, Executive Director
Steve Sandvoss, General Counsel
Darlene Gervase, Administrative Specialist II

Chairman Smart called the meeting to order shortly after 10:30 and led everyone in the pledge of allegiance. Mr. Porter held Mr. McGuffage's proxy until his arrival at 10:41 a.m.

The minutes of the May 21st regular meeting were presented. Vice Chairman Rednour moved to adopt the minutes as presented and Mr. Keith seconded the motion which passed by roll call vote of 8-0.

Mr. White began his report by thanking and commending Cristina Cray, Legislative Liaison, for her dedication and tremendous work ethic. He said that Cris contacted him many times as late as 9:30 p.m. with information and updates. Although she could not make the meeting, she provided updates on all election bills. Mr. White started stated that last month the legislature was in the last days of session and now are in overtime and have not yet agreed on a budget. The House returns Tuesday and the Senate Thursday and budget negotiations continue. The House passed a budget bill that generally gave 3% increases for all government agencies, but has not been considered by the Senate. It is not the budget we had submitted, but it will allow us to continue operations which expire at the end of the fiscal year. The Ballot Integrity Center was not included nor the agency positions that were requested. Mr. White indicated that although the state paid retirement line items for FY07 were under-funded, utilizing transferability will get us through this year. Legislative leaders have been advised of the under-funded amount and the fact that we will again be under-funded next year. We are hoping that corrections will be made and we continue to monitor budget negotiations.

Director White continued the legislative summary by reporting the House and Senate passed several omnibus election bills. Among them, amendments to clarify *Lee v. Keith*; eliminating the fee for the voters' website; and funding the \$700,000 award for attorney fees in the *King* case. Mr. White reminded the Board that *King* is the case the State Board of Elections won, yet the judge assessed attorney fees. Further, that the new primary date will be February 5, 2008. Mr. Keith asked if there was a contingency plan for the office if the budget is not approved. Mr. White replied that a "bare bones" budget has been assembled and a contingency plan will be considered, although we are planning as if it will be passed.

The Executive Director summarized Help America Vote Act (HAVA) grants and submitted a chart listing the eleven grants that the Board administers. He noted that very little is left of the punch card funds and we continue to receive applications from Election Authorities, which is expected to increase. Mr. Keith asked if the remainder of the punch card grant could be allocated to those counties who have shortfalls. Mr. White concurred as long as the funds were used for punch card reallocation. It was noted that Grant #4 is holding funds for Champaign County and will again request the interest owed to the State.

Mr. White continued with information submitted on the Heartland Conference and indicated that Rupert Borgsmiller, Director of Campaign Disclosure and Sharon Steward, Election Specialist III, attended the meeting and both were speakers at the conference. He commended them both for their activity at national conferences. Mr. Borgsmiller was present to answer

questions. The Board suggested that since COGEL will be hosted in Chicago in December, 2008, perhaps the Heartland Conference could be scheduled at either the beginning or end of the COGEL conference. Mr. Borgsmiller offered to relay that suggestion to the Heartland Committee.

Two Voter Awareness Program Proposals were submitted from Mr. Al Manning. The Director reminded the Board of the great job Mr. Manning performed prior to the 2006 elections with voter awareness programs, including news releases, audio and video public service announcements. Since the primary is moved up 6 weeks, it would be wise to consider the proposals at this meeting. Mr. Manning's proposal is similar to that of 2006 at a cost of a little less than \$5,000 per proposal which would be paid from general revenue funds and HAVA funds. **Member McGuffage moved to accept Mr. Manning's proposals. Member Keith seconded the motion which passed by roll call vote of 8-0.**

Mr. White concluded his report with informational items regarding fiscal status reports and the two year plan of staff activity for the months of June and July.

Mr. Sandvoss began his Report of the General Counsel with a Motion for Reconsideration in *SBE v. Friends of Sandi Jackson*, 07D1-004, a situation where the committee was assessed a civil penalty for delinquently filing of a D-1 and there was no appeal. **A Final Order was issued indicating that the fine was due and owing. Subsequent to that a motion to reconsider was filed on May 29, setting forth what appears to be a defense as to why the committee should not have been assessed the civil penalty.** Mr. Sandvoss concurred with the hearing officer to deny the Appeal. Mr. Keith moved and Vice Chairman Rednour seconded the motion to deny the Motion for Reconsideration. The motion passed unanimously.

Appeals carried over from the May meeting wherein the hearing officer recommended the appeals be denied were considered. Mr. Sandvoss agreed with the recommendation to deny the appeal. Vice Chairman Rednour moved to adopt the recommendations of the hearing officer and General Counsel and deny the appeals. Mr. Porter seconded the motion which passed unanimously. Appeals were denied in *SBE v. Friends of David J. Haynes*, S8642, 07DS114; and *SBE v. 45th Ward Regular Republican Org.*, S8819, 07DS120.

General Counsel Sandvoss concurred with the recommendation of the hearing officer to grant the new appeals of campaign disclosure fines. Mr. Keith so moved, Vice Chairman Rednour seconded the motion which passed 8-0. Appeals were granted in *SBE v. Friends of Edward M. Burke*, L864, 07AC002; *SBE v. Friends of Bobbie L. Steele*, L7367, 06AG086; *SBE v. TLC Finance Committee*, L7521, 07AC 005; *SBE v. Committee to Elect Dev Trivedi*, L11478, 07CE007; *SBE v. Friends of Tim Sheehan*, L 13534, 07AC010; *SBE v. Committee to Elect Kim Savage*, L14047, 06AG077; and *SBE v. Syverson for Senate*, S5453, 06AG057.

Mr. Sandvoss presented seven (7) new appeals wherein the hearing officer recommended the appeals be denied: *SBE v. The Coalition Party aka The Progressive Party*, L8049, 07CE003; *SBE v. Bellwood Pride Party*, L12107, 07DS157; *SBE v. Committee to Elect Robert J. Lovero*, L13108, 07DS048; *SBE v. Friends of Winfield Fire District*, L13318, 07CE013; *SBE v. Democratic Citizens of Berwyn*, L13529, 07DS062; *SBE v. Advocates for Quality Education*, L14017, 07CE036; and *SBE v. Citizens to Elect Sharon Denise Dixon*, S9333, 07D1-06. He concurred with the hearing officers' recommendation to deny the appeals. Mr. Porter moved to adopt the recommendations of the hearing officer and General Counsel. Vice Chairman Rednour seconded the motion which passed 8-0.

The General Counsel presented *SBE v. 23rd Ward Regular Democratic Organization*, L13083, 07AC007 and offered a short summary of the activities of the committee. Mr. McGuffage stated that a clerical error occurred by misreporting that a donation was for the candidate rather than the ward. The error has been corrected which fulfills disclosure; there was no harm to anyone; and the committee and candidate's intent to disclose and report was clear. Member McGuffage moved that the appeal be granted as it was an inadvertent error since the contribution was meant for the Ward Organization, but the Alderman reported it. He did not think they should be held accountable since they disclose the error and returned the \$625 contribution back to the Ward. In light of Mr. McGuffage's explanation, the General Counsel agreed that the appeal be granted. Vice Chairman Rednour seconded the motion which passed 7-1 with Mr. Keith dissenting.

The Chairman called *SBE v. Grundy County Women's Republican Club*, L566, 07DS087 and noted the appearances of Ellen Hanson, John and Amy Peacock for the respondent committee. The respondents made a settlement offer of \$500, payable at the Board's discretion and asked the Board to take into consideration that the fine was from 2005 and 2006 and new officers have been installed since then. Mr. Schneider moved to accept the settlement offer of \$500, payable within 30 days. Vice Chairman Rednour seconded the motion which passed 5-3 with Members Brady, Keith and Porter casting dissenting votes.

Chairman Smart called *SBE v. Arab American Democratic Club*, S9321, 07MA006, and noted the appearance of Mariam Zayed for the respondent committee. Ms. Zayed offered a summary of the committee's activities and told of her diligence in

filing the required reports. Board Members advised Ms. Zayed that the hearing officer and General Counsel recommended to deny the appeal, but that the penalty is stayed as this is a first violation. Further, that she must continue to timely file the required reports or the stayed penalty could return into play and become due and owing if there are future violations. Mr. Keith moved and Vice Chairman Rednour seconded the motion to adopt the recommendations of the hearing officer and General Counsel to deny the appeal and stay the civil penalty. The motion passed 8-0.

Mr. Sandvoss presented a semi annual report filing period proposal for the Board's consideration and indicated that Mr. Borgsmiller was available to answer any questions. He indicated that it is expected to be signed into law, but has not been done yet. Mr. Borgsmiller stated that he would like to send a letter to committees who file after the 20th stating that if HB426 had been enacted they would have received a penalty and the dollar amount. Mr. Porter indicated that he understood Mr. Borgsmiller's intent, but that it should be made clearer as to why we are doing it. The June 30 semi annual report that covered January 1, through June 30, 2007 will be due on July 20, 2007. If the governor signs HB 426, every report that is received before 7-31-07 will not be considered delinquent. Mr. McGuffage moved that the proposal be approved and amended to include Mr. Porter's comments. Vice Chairman Rednour seconded the motion which passed unanimously.

A three page list of assessments and final orders for committees that did not appeal were presented for the Board's consideration. Mr. Keith recused himself from Committee S-3044. The Chairman asked for a motion and Vice Chairman Rednour so moved. Mr. McGuffage seconded the motion which passed by vote of 8-0 with Mr. Keith noting that he recused himself from voting on Committee S-3044.

The General Counsel submitted mandatory training of political officers and payment of civil penalties to the Board for informational purposes.

As complaints following closed preliminary hearing would be heard in executive session, the last item on the General Counsel's report, the proposed rule for establishment of deadlines for the submission of amended canvasses and abstracts of votes by election authorities, was considered. After discussion, it was the consensus of the Board that a uniform 30 day period to clear up discrepancies would be allowed accompanied by additional language to clear up discrepancies or explain that results previously submitted. Mr. Keith moved to make the changes to the proposal to include the 30 day period limit and changes necessary. Mr. Schneider seconded the motion which passed unanimously.

Mr. Keith moved to adjourn to Executive Session to heard Campaign Disclosure Items 25, 26, 27 28; pending litigation and personnel matters. Vice Chairman Rednour seconded the motion which passed by 8 ayes in unison and none opposed.

The Board adjourned to Executive Session at 11:45 a.m. and returned to open session at 12:20 p.m.

Mr. Keith moved to adopt salary authorizations for the General Counsel and Executive Director as adopted in Executive Session. Vice Chairman Rednour seconded the motion which passed by roll call vote of 8-0.

Regarding *Zettler v. Roeser*, 07CD031, Mr. Keith moved to adopt the recommendations of the Hearing Examiner and General Counsel and find that the complaint was filed on justifiable grounds and no further action is required. Further, that the Board's Final Order serve notice on the Respondent that timely in-kind notification and proper attribution of source be complied with in the future. Vice Chairman Rednour seconded the motion which passed unanimously.

In the matter of *Zettler v. Clark*, 07CD032, Mr. Keith moved to adopt the recommendations of the Hearing Examiner and General Counsel and find that the complaint was filed on justifiable grounds but no further action is required. But the Board, in its Final Order serves notice upon the Respondents that as candidates for public office they have the responsibility to report such in-kind contributions or expenditures from the donor if it actually knows or reasonably should have known from the facts available to it that an in-kind contribution had been made in its behalf. Vice Chairman Rednour seconded the motion which passed 8-0.

Zettler v. Ryan, 07CD033, was the same premise as the previous case. Mr. Keith moved to adopt the recommendations of the Hearing Examiner and General Counsel and find that the complaint was filed on justifiable grounds but no further action is required. But the Board, in its Final Order serves notice upon the Respondents that as candidates for public office they have the responsible to report such in-kind contributions or expenditures from the donor if it actually knows or reasonably should have known from the facts available to it that an in-kind contribution had been made in its behalf. Vice Chairman Rednour seconded the motion which passed 8-0.

As to Campaign Disclosure Item 28, *Wisniewski v. Wheatland Township Republican Organization*, 07CD034, Mr. Keith moved to adopt the recommendation of the Hearing Examiner and General Counsel and accept the request of the complainant

to withdraw his complaint and no further action be considered in this matter. However, in the Board's Final Order serves notice that the Respondent Committee must amend its December 2006 Semi-Annual Report correct the name of Illiana Dominquez to show her present name, Illiana A. Krasovic **by July 1, 2007**. Vice Chairman Rednour seconded the motion which passed unanimously.

The Chairman asked if there was other business before the Board and Mr. Keith stated that on behalf of the Board members he wanted to thank Mr. Smart for the pleasure of working with him during his tenure as chairman. Vice Chairman Rednour added that she has never seen a Board work so well together. Chairman Smart thanked everyone.

There being nothing further before the State Board of Elections, Mr. Schneider moved to adjourn until Monday, July 2, 2007 at 10:30 a.m. in Springfield or the call of the chair. Vice Chairman Rednour seconded the motion which passed by 8 ayes in unison and none opposed. The meeting adjourned at 12:30 p.m.

Dated: June 13, 2007

Respectfully Submitted,

Daniel W. White, Executive Director

Darlene Gervase